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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,452	04/12/2001	Randall Allen Vogel	AD6728 US NA	3330
23906	7590	11/26/2004	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			JACKSON, MONIQUE R	
			ART UNIT	PAPER NUMBER
			1773	
			DATE MAILED: 11/26/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/833,452

Applicant(s)

VOGEL ET AL.

Examiner

Monique R Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9,11,12,14,16-18,20-43,45,47,49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,9,11,12,14,16-18,20-42,45,47,49 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,43 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The response and declaration filed 9/22/04 has been entered. Claims 1, 3, 4, 6, 7, 9, 11, 12, 14, 16-18, 20-43, 45, 47, 49, 51 and 52 are pending in the application. Claims 4, 7, 9, 11, 12, 14, 16-18, 20-42, 45, 47, 49 and 51 have been withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6, 43, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Fanselow et al (USPN 5,766,744.) Fanselow et al teach a coextruded multilayered film comprising a core layer of soft thermoplastic polymer such as ethylene copolymers including blends with ionomers, sandwiched between outer and inside surface layers wherein in preferred embodiments the inside surface layer is an ionomeric copolymer with a copolymer of ethylene and methacrylic acid-metal cation salt being particularly suitable, and wherein in particularly preferred embodiments the core layer is composed of ethylene-vinyl acetate, ethylene-butene copolymer, ethylene methacrylate copolymer, ionomer and combinations thereof (Abstract; Col. 4, lines 23-50; Col. 5, lines 1-3; Col. 11, lines 7-15.) Fanselow et al teach that the film may be clear, opaque or colored and that any one or all of the layers may be provided with pigments or dyes as desired (Col. 6, lines 34-37 and Col. 13, lines 12-15.) Fanselow et al specifically teach

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an example comprising a trilayer coextruded film comprising a surface layer consisting essentially of a SURLYN ionomeric resin coextruded with a core layer comprising a SURYLN resin blend and an outer surface layer of ethylene methacrylate resin (Example 18.) Fanselow et al further teach that the film may be laminated to itself or a second like film to produce a film based assembly that may then be bonded to connective or other performing parts (Col. 13, line 60-Col. 14, line 23.) The Examiner notes that with regards to Claim 52, a multilayer film as taught by Fanselow et al laminated to itself which comprises pigments or dyes in one or more layers would read upon the claim limitation wherein the pigmented or colored layer would equate to the patterned substrate.

5. Claims 1, 3, 6, 43, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Mientus et al (USPN 6,770,360.) Mientus et al teach a coextruded, multilayered film comprising a thermoplastic core layer having a first side and a second side, the core layer comprising: a polyolefin having a density in the range of about 0.89 to about 0.97 grams per cubic centimeter; a second polymeric material selected from ionomers derived from sodium, lithium or zinc and an ethylene/methacrylic acid copolymer, and a combination thereof, and a light stabilizer, and is clear or pigmented; an abrasion and scuff resistant clear first thermoplastic skin layer overlying the first side of the core layer, and a clear second thermoplastic skin layer overlying the second side of the core layer, both skins containing light stabilizer, wherein the skin layers are preferably ethylene/methacrylic acid copolymers; ethylene/acrylic acid copolymers; ethylene/methacrylic acid copolymers containing sodium, lithium or zinc (also referred to as ionomers); and mixtures of two or more thereof; and wherein the multilayered film may be laminated to a substrate such as a release liner or adhered to a car, truck, boat or the like (*reads*

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*upon substrate having a pattern*; Abstract; Col. 3, lines 22-62; Col. 5, lines 22-33; Col. 6, lines 6-46; Col. 7, lines 32-48; Col. 12, lines 19-29; Col. 37, lines 1-5.) Mientus et al further teach specific examples comprising SURYLN skin layers sandwiching a core layer comprising a blend with SURLYN resin (Examples.)

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3, 6, 43, and 52 have been considered but are moot in view of the new ground(s) of rejection. The Examiner notes that the rejection over Smith et al has been withdrawn given the Applicant's arguments and declaration filed 9/22/04.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner, TC 1700  
November 22, 2004